IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9439 OF 2005

Shankarrao B. Nikam & Anr. ....Petitioners

V/s.

Dr.Anirudh Dharmadhikari & Ors. ....Respondents

Mr.V.H. Parsurami with Mr.W.N. Yande and Mr.S.D. Kadam for the Petitioners.

Mr.S.M. Gorwadkar for Respondent Nos.1 to 6.

Mr.A.H. Palekar, AGP for Respondent Nos.7 and 9.

CORAM : R.M. SAVANT, J.
DATED : 12TH JUNE, 2007.

P.C. :

1. This Petition impugns the order dated 19.10.2005, passed by the District and Sessions Judge, Nashik. The said order passed by the District Judge as a persona designata under the scheme concerning the appointment of the trustees of the Respondent No.1 trust. By the said order the District Judge has taken a decision to appoint five trustees for the period 2005 to 2010.

2. The Petition has been filed on behalf of the devotee of Saptashringi Nivasini Devi. It is the case

of the Petitioners that the scheme especially clause 10(3) contemplates consultation with the Charity Commissioner prior to appointment of the trustees. No such consultation has been done by the District Judge prior to making such appointment. It is the case of the Petitioners that it is desirable that since the activities of the said trust are centred around Taluka Kalwan, a trustee from the said area is appointed. The learned District Judge passed the said order making the said appointment, taking into consideration relevant facts. The learned District Judge has reproduced the statement of the applications received. From the said statement, it appears that about 53 applications were received from persons from various walks of life ; out of the said applicants the District Judge has found the five persons mentioned in the order to be fit to be appointed as trustees.

3. In my view, the suggestive satisfaction of the learned District Judge, looking to the scheme of the trust, cannot be gone into by this Court under its extra-ordinary jurisdiction under Article 227 of the Constitution of India. The appointment of the trustees by order dated 19.10.2005 cannot be faulted with. The only relief that can be granted to the Petitioners is that since they are devotees, the above

Petition may be treated as a representation and may be considered by the learned District Judge expeditiously. In the light of the above, no case for interference is made out and the Petition is accordingly dismissed.

(R.M. SAVANT, J.)